

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
KELVIN HOWELL,	:	
	:	
Plaintiff,	:	
	:	22-CV-7262 (VSB)
-against-	:	
	:	<u>ORDER</u>
CITY OF NEW YORK and NEW YORK	:	
CITY DEPARTMENT OF CORRECTION,	:	
	:	
Defendants.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:


Plaintiff initiated this action by filing a complaint on August 25, 2022. (Doc. 1.) Defendants answered on December 19, 2022. (Doc. 15.) On March 14, 2023, I entered a case management plan and scheduling order. (Doc. 28.) On May 15, 2023, counsel for Plaintiff filed a motion to withdraw as attorney, (Doc. 31), explaining that “communications between Plaintiff and Imbesi Law have broken down, rendering it overwhelmingly difficult to continue with representation,” (Doc. 32). On May 16, 2023, I granted the motion to withdraw and ordered that the matter was to be stayed until Monday July 17, 2023 to allow Plaintiff time to retain new counsel. (Doc. 35.) Plaintiff was served a copy of this order via mail and electronic mail on May 16, 2023. (Docs. 36, 37.)

On July 19, 2023, I entered an order lifting the stay and stating that because new counsel had not entered an appearance, I would consider Plaintiff to be proceeding pro se. (Doc. 38.) I also directed the parties to file a status update and amended case management plan, if necessary, on or before August 8, 2023. (Id.) This Order was mailed to Plaintiff at the most recent address he had provided to his prior counsel, however on August 8, 2023, the Order was returned as not deliverable. Also on August 8, Defendants filed a letter stating that they have not received any

communications from Plaintiff. (Doc. 39.) On August 10, 2023, I entered an Order stating that “if Plaintiff fails to prosecute this matter on or before September 8, 2023, the matter will be dismissed pursuant to Fed. R. Civ. P. 41(b).” (Doc. 40.) Plaintiff has yet to take action to prosecute this case since the withdrawal of his counsel. Accordingly, Plaintiff’s claims are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: September 11, 2023
New York, New York



VERNON S. BRODERICK
United States District Judge